UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,622	08/31/2001	Takeshi Saito	213505US2RD	8762

22850 7590 08/12/2005	EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314	WIN, AUNG T

	ART UNIT	PAPER NUMBER
	2645	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/942,622	SAITO, TAKESHI
		Examiner	Art Unit
		Aung T. Win	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 May 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-4 & 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dusse et al. in view of Coppinger et al.

Regarding Claim 1 & 16, Dusse et al. discloses a portable terminal (mobile

device) [Column 5, Line 40-50] in an information distribution system (web based

provisioning distribution system) using a local server (Proxy Server device incorporated

with provision server) accessible through a local radio network (airnet with common

wireless access protocols such as WAP) [Column 4, Line 27-38] and portable terminal

comprising: a local radio network interface (Wireless protocol interface) [Column 6, Line

4-10] configured to access the local server (Proxy Server) through the local radio

network; a local server access request unit (processor) configured to send an access

request for a original local information provided by the local server, to the local server

through the local radio network, along with a terminal ID (supply device ID) for

identifying the portable terminal [Column 6, Line 7-23].

Dusse et al. discloses the provisioning server to process the provisioning request for the verification of the user information and the device information for the notification and delivery of software mobiles and registration information to the mobile devices and any service providing server devices [Column 3, Line 25-50]. Dusse et al. further teaches provisioning server can be incorporated in proxy server device (Local Server) or another device [Column 6, Line 30-33] to provision the mobile device before providing the service to the user. Dusse et al. teaches that provisioning content required to process the request which may be resident on the provisioning server receiving request [Column 6, Line 45-49] in which provisioning server retrieved the URI of service server providing the service for the registration of mobile device [Column 6, Line 59-65].

Dusse et al. further discloses a subscription server (service server) accessible through a public network (landnet) [Column 7, Line 48-50] via a public network interface (inherent to establish communication with provisioning server to register the mobile device and to provide the service. Dusse et al. fail to teach the membership subscription request unit.

Coppinger et al. discloses the registration method of registration of programmable wireless device [Column 7, Paragraph 0056, 0059 and 0060] using the subscription server (a server having an account) accessible through the public network (conventional wireless network such as cellular digital packet data network (CDPD) [Table 2] via a public network interface (inherent to establish communication with the subscription server). Coppinger et al. further discloses the programmable wireless device receiving the software from the subscription server such as executable instructions (server access membership subscription guidance) to enable the wireless device to operate on

a particular wireless network for execution to support communication between wireless

device and the service server [Paragraph 0060]. Coppinger et al. further teaches the

registration process of the programmable wireless device including the steps of sending

a registration request to a server (subscription server) and receiving the software from

the subscription server such as executable instructions (server access membership

subscription guidance) to enable the wireless device to operate on a particular wireless

network for execution to support communication between wireless device and the

service server [Paragraph 0060].

Although Coppinger et al. fail to disclose the membership subscription request unit of

the mobile device, one of ordinary skill in the art would have recognized that

membership subscription request unit (processor) would inherently implemented in the

wireless device to be able to send a request for registration to a corresponding

subscription server [Paragraph 0060] through the public network for service registration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the portable terminal in an information distribution system

using a local server (proxy server) incorporated with provisioning server as taught by

Dusse et al. to provision the access requested by the portable terminal and a

subscription server for service registration as taught by Coppinger et al. when the

access request is rejected.   One of the ordinary skilled in the art would have been

motivated to do this so that the user of mobile device can be initially provision features

and services without having to go to a retail establishment [Column 2, Line 40-43].

Regarding Claim 2, Dusse et al. as modified discloses the limitations of Claim 1.

Dusse et al. further discloses that the request for the new service registration for the

user includes the provisioning information comprising URI (server ID) of service server

providing the service and registration information relating to the user of mobile device.

[Column 6, Line 37-65].

Regarding Claim 3, Coppinger et. al. as modified further discloses the account

registration of a wireless device in which, the server (subscription sever) responses to

the user by providing system assigned password [Paragraph 0059]. Coppinger et. al.

also teaches the providing the user of the application program such as Appl. Wc to be

used for the new service request which is available for use beginning at a specified time

or event; and to be specified to ceased being available for use at a specified time

[Paragraph 0079]. Dusse et al. And Coppinger et. al. fail to disclose the storing of

password in password memory unit. However, the Memory unit implemented in the

wireless device and provided password to be use for new service registration is well

known to the one of ordinary skilled in the art.   Moreover, storing the password in the

memory unit is the matter of process in registration programmed and applied to the

wireless device in the absence of criticality.

Regarding Claim 4, Dusse et al. as modified further discloses the client module

coupled to WCP interface of mobile device that performs many of the processing tasks

including: establishment of a communication session, requesting and receiving of data

[Column 6, Line 14-24]. Dusse et al. And Coppinger et. al. fail to disclose the

information processing unit (processor) configured to process the original local

information received from the local server in response to the access request. However,

programmable processors are well known in the skilled in the art.

Therefore it would have been obvious to modify the mobile device with the client module

as taught by Dusse et al. configured to process the original local information received

form the local server (proxy server incorporated with provisioning server) to process the

original local information received from the local server in response to the access

request.

2.   Claims 5-7 & 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dusse et al.

        Regarding Claim 5, Dusse et al. discloses local server (proxy server device

incorporated with provisioning server) in an information distribution system (web based

provisioning distribution system) using a portable terminal (mobile device) [Column 5,

Line 40-50] accessible through a local radio network (airnet with common wireless

access protocols such as WAP) [Column 4, Line 27-28] via Local radio network

interface (inherent to establish communication with portable terminal through the local

radio network). Dusse et al. further discloses a subscription server (service server)

accessible through a public network (landnet) [Column 7, Line 48-50] via a public

network interface (inherent to establish communication with the subscription server through the public network). Dusse et al. further discloses the provisioning server which can be incorporated in proxy server device or another device [Column 6, Line 30-33] to process the provisioning request for the verification of the user information and the device information for the notification and delivery of software mobiles and registration information to the mobile devices and any service providing server devices [Column 3, Line 25-50].

Dusse et al. discloses a original local information storage (storage database) configured to store a original local information (information relating to the mobile device to be verified prior to processing the service request [Column 7,Line 10-18]. Dusse et al. also discloses a original local information access request receiving unit [Message Receive Manager] configured to receive an access request for the original local information stored in the original local information storage [Column 7, Line 15-18], along with a terminal ID (device identification number is verified) [Column 7, Line 10-11] for identifying the portable terminal, from the portable terminal through the local radio network;

Dusse et al. discloses a membership database (the content relating to the features and services listed in database 542) [Column 7, Line 24-28] configured to register in advance terminal IDs of those portable terminals which have server access membership (configured to register mobile terminal with limited access server devices); a membership checking unit (inherent to provision the requesting portable terminals) configured to check whether the terminal ID received along with the access request is

registered in the membership database or not (whether there is some conflict with

requested features and services provisioned by Registration Module, Device Feature

Module, and Services Module comprised in Provisioning Kernel of provisioning sever

[Column 6, Line 37-66] .

Dusse et al. further discloses a membership subscription guidance sending unit

(message send manager) configured to send a server access membership subscription

guidance for urging the portable terminal to carry out a membership subscription

procedure (notification message which may be comprised of software modules and

information required to communicate with limited access commercial server devices)

[Column 7, Line 29-40], to the portable terminal through the local radio network, when

the terminal ID received along with the access request is not registered in the

membership database (if there is some conflict with requested features and services);

Dusse et al. does not disclose a membership database updating unit although Dusse et

al. discloses the storage database configured to store information relating to the mobile

device to be verified prior to processing the service request [Column 7,Line 10-18].

However, Dusse et al. discloses the exchange of information between the subscription

server (service server) and provisioning server [Column 7, Line 41-62].

One skilled in the art would realize that database are needed to be periodically updated

in order to verify the mobile device prior to processing the service request as disclosed

by Dusse et al. Therefore it would have been obvious to one of ordinary skill in the art

at the time of the invention was made to receive a new membership information from

the subscription server (service server) through the public network and update the

membership database according to the new membership information in order to verify

the mobile device for processing the service request. One of the ordinary skilled in the

art would have been motivated to do this so that the user of mobile device can be both

initially provisioned and updated the features and services without having to go to a

retail establishment.

Regarding Claim 6, Dusse et al. further discloses that the request for the new

service registration for the user includes the provisioning information comprising

address of subscription server (URI, server ID of service server providing the service

and registration information relating to the user of mobile device) [Column 6, Line 37-65]

[Figure 5].

Regarding Claim 7, Dusse et al. does not discloses a local server ID sent along

with the membership subscription guidance although Dusse et al. discloses that the

request for the new service registration for the user includes the provisioning

information comprising URI (server ID) of service server providing the service and

registration information relating to the user of mobile device. [Column 6, Line 37-65].

Moreover, Dusse et al. clearly discloses the exchange of provisioning content between

the mobile device and provisioning server [Column 7, Line 4-6]. Therefore, it is inherent

for the mobile device to realize the local server ID (ID of provisioning server) in order to

exchange information between provisioning device and mobile device as disclosed by Dusse et al.

Regarding Claim 9, Dusse et al. discloses the limitations in the Claim 5 and further discloses that additional notification and information required to access the provisioned services (eg. Passwords) are sent to the mobile device [Column 7, Line 1-2]. However, the Memory unit implemented in the wireless device and password providing to be use for new service registration is well known to the one of ordinary skilled in the art. Moreover, storing the password in the memory unit is the matter of process in registration programmed and applied to the wireless device in the absence of criticality.

Regarding Claim 10, Dusse et al. discloses the limitations of Claim 9 as described above. Dusse et al. does not disclose a membership database updating unit although Dusse et al. discloses the storage database configured to store information relating to the mobile device to be verified prior to processing the service request [Column 7,Line 10-18]. One skilled in the art would realize that database are needed to be periodically updated in order to verify the mobile device prior to processing the service request as disclosed by Dusse et al. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to updates the membership database within the limited valid period.

Regarding Claim 11, Dusse et al. discloses all the limitations of Claim 5, and

further discloses the exchange of information between the subscription server (service

server) and provisioning server [Column 7, Line 41-62]. Dusse et al. does not explicitly

discloses a membership subscription request relaying unit. However Dusse et al.

discloses the Messenger send Manager and Message receive Manager to forward the

user registration request to service server via a message and manager and message

receiver to register the user for the requested services. Therefore, membership

subscription request relaying unit would have been inherently implemented in order to

receive a server access membership subscription request from the portable terminal

through the local radio network, and forward the server access membership

subscription request to the subscription server through the public network.

Regarding Claim 12, Dusse et al. discloses a subscription server in an

information distribution system (web based provisioning distribution system) using a

portable terminal (mobile device) accessible through a public network (landnet) [Column

7, Line 48-50] via a public network interface (inherent to establish communication with

the subscription server through the public network) configured to carry out

communications with portable terminal through the public network; a local server (Proxy

Server device incorporated with provisioning server) providing a original local

information accessible through a local radio network (airnet with common wireless

access protocols such as WAP) [Column 4, Line 27-28]; a membership subscription

request receiving unit (Message Receive Manager) configured to receive a server

access membership subscription request from the portable terminal through

provisioning server, a membership subscription procedure processing unit (Registration

Kernel) [Figure 6] configured to carry out a membership subscription procedure in

response to the server access membership subscription procedure in response to the

server access membership subscription request, and a notification unit (message send

manager) configured to notify information on the portable terminal to the local server

(provisioning server) through the public network when the server access membership

subscription request is accepted by the membership subscription procedure [Column 7,

Line 41-62].

Regarding Claim 13, Dusse el al. fails to disclose the information distribution

system uses a plurality of local servers and a local server ID sent along with the

membership subscription guidance although Dusse et al. discloses that the request for

the new service registration for the user includes the provisioning information

comprising URI (server ID) of service server providing the service and registration

information relating to the user of mobile device. [Column 6, Line 37-65]. One skilled in

the art realizes that there would have been more than one server in the information

distribution system. Moreover, Dusse et al. clearly discloses the exchange of

provisioning content between the mobile device and provisioning server [Column 7, Line

4-6]. Therefore, it is inherent for the mobile device to realize the local server ID (ID of

provisioning server) in order to exchange information between provisioning device and

mobile device as taught by Dusse et al.

Regarding Claim 14, Dusse et al. does not discloses the information distribution

system uses a plurality of local servers although a notification unit (message send

manager) configured to notify information on the portable terminal to the local server

(provisioning server) through the public network when the server access membership

subscription request is accepted by the membership subscription procedure [Column 7,

Line 41-62]. One skilled in the art realizes that there would have been more than one

server in the information distribution system. Moreover, the concept and process of the

notification unit notifies the information the portable terminal to the plurality of local

servers is well known and expected in the art.

3.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dusse et

al. as applied to Claim 5, further in view of Wang.

Regarding Claim 8, Dusse et al. discloses all the limitations in Claim 5 and

further discloses that the service request is provisioned and once the information in the

provisioning request is verified and the provisioning content is forwarded to service

server [Column 5, Line 15-30] to provide the service request. Dusse et al. fails to

disclose a original local information sending unit configured to send the original local

information to the portable terminal.

Wang discloses a portable terminal (location-aware wireless mobile device such

as WAP device) [Paragraph 0053, 0058 & 0124] [Figure 1] [Figure 2] [Figure 13] in an

information distribution system using a local server (one of network devices in

information and service center such as WML Server) [Paragraph 0059 & 0125]

accessible through a local radio network (one of transport networks such as WAP

wireless transport network). Wang further discloses the portable terminal configured to

access the local server through the local radio network for a local information

(emergency or non-emergency alert information) [Paragraph 0107] provided by the local

server. One skilled in the art would realize that local information sending unit would

have been inherently implemented in order to provide the local information to the

portable terminal through a local radio network as taught by Wang described above.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Local Server as taught by Dusse et al. with

the Local Server as taught by Wang to implement the local information sending unit

configured to send the local information to the portable terminal through the local radio

network in response to the access request when the terminal ID received along with the

access request is registered in the membership database. One of the ordinary skilled in

the art would have been motivated to do this to provide the user of portable terminal

with the location dependent information such as the server weather event.

4.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dusse et

al. as applied to Claim 12 above, further in view of Coppinger et al.

Regarding Claim 15, Dusse et al. discloses all the limitations in the Claim 12 and

further discloses that additional notification and information required accessing the

provisioned services (e.g. Passwords) are sent to the mobile device [Column 7, Line 1-

2]. Dusse et al. does not teaches that password is valid for limited period.

Coppinger et al. discloses the registration process of the programmable wireless device

including the steps of sending a registration request to a server (subscription server)

and receiving the software from the subscription server such as executable instructions

(server access membership subscription guidance) to enable the wireless device to

operate on a particular wireless network for execution to support communication

between wireless device and the service server [Paragraph 0060].

Coppinger et. al. further discloses the account registration of a wireless device in which,

the server (subscription sever) responses to the user by providing system assigned

password [Paragraph 0059]. Coppinger et. al. also teaches the providing the user of

the application program such as Appl. Wc to be used for the new service request which

is available for use beginning at a specified time or event; and to be specified to ceased

being available for use at a specified time [Paragraph 0079].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify subscription server taught by Dusse et al. with the

subscription server taught by Coppinger et al. for the membership subscription

procedure processing unit to provide password with a limited valid period to the portable

terminal in response to the server access membership subscription request. One of the

ordinary skilled in the art would have been motivated to do this to provide the secure

registration.

Response to Amendment

5.   Applicant's arguments filed on March 06, 2005 have been fully considered but

they are not persuasive.

Applicant contends that local information provided by Dusse's proxy server

device is not original local information as recited in claims 1, 3, 4, 5, 8, 9 and 12. As

cited in Application's arguments on page 8, 10 & 11, the local information provided by

Dusse's proxy server device is the copied or cached local information. The examiner

respectfully disagrees.

The local information sent by the Dusse's proxy server is still considered the original

local information since the content of the information still be original because the

content of the local information provided to a mobile device does not change whether or

not the local information is copied or cached information. The copied or cached local

information does not necessarily imply that information content in the local cached

information is different from information content in the original server. Dusse also

clearly teaches that other network server devices can be employed instead of proxy

server device [Column 4, Line 60-64] [Column 9, Line 5-13]. Applicant also stated that

information provided by proxy server device is not always cached information (i.e., a

proxy server device **generally** provides cached local information with a respect to a

mobile as stated in the applicant's argument) [See applicant's argument in last

paragraph on Page 12]. Moreover, the term "original " is a relative term and the

specification does not provide a standard for ascertaining the requisite degree.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moore et al.	Patent No.:	US006434381B1
Roundtree	Patent No.:	U.S. 6,640,098 B1
Herz et al.	Patent No.:	U.S. 6,571,279 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win
Group Art Unit 2645
August 1, 2005

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